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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
LABOUR DEPARTMENT

NO.F.21 (29)-LAB/ENF/CL/2016/V.1/410-422A Agartala, the 17th January, 2018

NOTIFICATION

The following Draft Rules namely "**Tripura Child Labour (Prohibition and Regulation)(Amendment) Rules, 2017**," which the State Government proposes to make under Section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act No. 61 of 1986), is hereby published, as required under sub-section (1) of section 18 of the said Act, for information of the persons likely to be affected thereby and the notice is hereby given that the Draft Rules will be taken into consideration after expiry of **30(thirty) days** from the date of publication of this Notification in the Official Gazette.

Objection or suggestion, if any, may be sent to the office of the Labour Commissioner, Government of Tripura, Jackson Gate, Agartala within the time so specified, for consideration of the Government.

By order-

17.1.18

Deputy Secretary
Government of Tripura

DRAFT RULES

Tripura Child Labour (Prohibition and Regulation) (Amendment) Rules, 2017

Whereas, the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act No. 61 of 1986) has been substantially amended by the Amendment Act, 2016 (Central Act No. 35 of 2016), making it expedient for the State Government to bring necessary changes in the Tripura Child Labour (Prohibition and Regulation) Rules, 1994, to keep conformity with the amended provisions of the said Act.

Therefore, in exercise of the powers conferred under Section 18 of the Child Labour (Prohibition and Regulation) Act, 1986, the State Government hereby makes the following Rules to amend the Tripura Child Labour (Prohibition and Regulation) Rules, 1994, as follows:-

1. **Short title and commencement**:
   (a) These Rules may be called the "Tripura Child Labour (Prohibition and Regulation) (Amendment) Rules, 2017";
   (b) They shall come into force on and from the date of their publication in the Official Gazette.

2. Amendment of Sub-Rule-(i) of Rule-1:

In the "Tripura Child Labour (Prohibition and Regulation) Rules, 1994 (hereinafter referred to as the Principal Rules), in Sub-Rule (i) of Rule-1 and wherever these appear, the expressions "Child Labour", shall be substituted with the expressions "Child and Adolescent Labour".

3. Amendment of Rule-2:

(i) In Clause (a) of Rule-2 of the Principal Rules and wherever it appears, the name of the 'Child and Adolescent Labour (Prohibition and Regulation) Act 1986' shall be substituted with, read and construed as 'Child and Adolescent Labour (Prohibition and Regulation) Act 1986';

(ii) Clause (b) of Rule-2 of the Principal Rules shall be deleted;

(iii) After Clause (c) of the Principal Rules, the following new Clauses shall be inserted-

'(ca) "Fund" means the Child and Adolescent Rehabilitation Fund constituted under Sub-Section (1) of Section 14B of the Act;

(cb) "Municipality" means an institution of local self government constituted under Article 243Q of the Constitution;

(cd) "Panchayat" means a Panchayat constituted under Article 243B of the Constitution.

4. Insertion of a new Rule-30:

In the principal Rules, after Rule 29, the following new Rules shall be inserted-

"**Rule-30. Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation Fund-**

(i) All funds relating to Child & Adolescent Labour rehabilitation should be regulaed through the "Child & Adolescent Labour Rehabilitation fund" so created/to be created as provided under Law.

(ii) State Government shall by order specify name of the Bank or any other Financial Institution, controlled by the Central or State Government, with which the amount credited to the Child and Adolescent Labour Rehabilitation Fund, shall be deposited and also the manner of depositing the fund with such Bank or Financial Institution;

(iii) The amount in the Fund and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner-

a) The Inspector or the nodal officer having jurisdiction over the area shall, under his supervision, ensure that an account of such child or adolescent is opened in a nationalized bank and inform the bank in which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of section 14B of the Act;

b) The interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be transferred every six months to the account of the child or adolescent, as the case may be, by the bank or

officer responsible to invest the amount under information to the Inspector;

c) When the concerned child or adolescent completes the age of eighteen years, then as soon as may be possible forthwith or within a period of three months, the total amount credited, deposited or invested in favour of the child along with interest accrued thereon remaining in the bank or remaining so invested under sub-section (3) of section 14B, shall be transferred to the said bank account of child or adolescent, as the case may be; and

d) The Inspector shall prepare a report of the amount transferred under clause (ii) and clause (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the State Government for information.

(iv) Notwithstanding anything contained under the foregoing provisions, an amount recovered by way of fine or composition of offence, in pursuance of an order or judgment of a Court, in favour of a child or adolescent for the contravention of the provisions of the Act, shall also be deposited in the Fund and shall be spent only in accordance with such order or judgment."

5. Insertion of a new Rule-31:

"Rule-31. Conferment of power to the District Magistrate-

The District Magistrate shall –

(i) Either himself or by an order, specify such other officer(s) subordinate to him, not below the rank of an Inspector, to be called nodal officer(s), who shall exercise all or any of the powers and perform all or any of the duties for ensuring that the provisions of this Act are properly carried out;

(ii) The powers and duties, assigned to the nodal officer(s) and the local limits of jurisdiction of such nodal officer(s), shall be specified in that order;

(iii) Preside over as Chairperson of the Task Force to be formed in a district consisting of –

(a) Inspector appointed under this Act, for the purposes of his local limits of jurisdiction,

(b) Superintendent of Police for the purpose of his local limits of jurisdiction,

(c) Additional District Magistrate, if any, for the purposes of his local limits of jurisdiction,

(d) Nodal officer(s), referred to under clause (i), for the purposes of his local limits of jurisdiction, who will also be the Secretary of the Task Force on being nominated by the Chairperson,

(e) Two representatives, one each from registered voluntary organizations, involved in rescue and rehabilitation of employed children, preferably having registered office in the concerned district, on rotation basis for a period of two years,

(f) A representative of the District Legal Services Authority, to be nominated by the Chairman of the District Legal Services Authority,

(g) A member of the District Anti-trafficking Unit, if any,
(h) Chairperson of the Child Welfare Committee of the District,
(i) District Education Officer,
(j) Any other person nominated by the District Magistrate;

(iv) The Task Force referred to in Clause (iii) shall meet at least once in every month and shall make a comprehensive action plan for conducting the rescue operation, taking into account the time available, point of raid in accordance with the law for the time being in force confidentiality of the plan, protection of victims and witnesses and the interim relief, in accordance with the guidelines for rescue and repatriation issued by the appropriate Government from time to time.

6. Insertion of a new Rule-32:

"Rule-32. Manner of compounding offences by the District Magistrate-

(i) An accused person, who being a parent or a guardian, commits an offence under the said section or who commits an offence for the first time under sub-section (3) of Section 14of the Act, may file an application to the District Magistrate having jurisdiction for compounding the offence under sub-section (1) of Section 14D;

(ii) The District Magistrate shall, after hearing the accused person and the Inspector concerned, on an application filed under sub-rule (i); dispose of such application, by an order in writing, and if the application is allowed, issue the certificate of compounding, subject to –

(a) the payment of a sum, not more than half of the maximum fine prescribed for such offence, within a period to be fixed in the order;

(b) if the accused person fails to pay the sum of compounding amount within the period specified in the order, the accused shall have to pay an additional sum of twenty-five percent of the maximum fine prescribed for such offence, within a further period as may be fixed by the District Magistrate;

(c) The sum of compounding amount shall be paid by the accused person to the State Government;

(iii) If the accused person fails to pay the compounding amount under sub-rule (ii), the proceeding shall be continued as specified under sub-section (2) of Section 14D of the Act."

12.1.18

Deputy Secretary
Government of Tripura.